

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re:** :  
: **Case No.: 21-13212**  
**David M. Bizal** : **Chapter 13**  
: **Judge Eric L. Frank**  
**Debtor(s)** : **\*\*\*\*\***

**OBJECTION OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION TO  
CONFIRMATION OF THE PLAN (DOCKET NUMBER 2)**

JPMorgan Chase Bank, National Association ("Creditor") by and through its undersigned counsel, objects to the confirmation of the currently proposed Chapter 13 Plan ("Plan") filed by David M. Bizal ("Debtor") as follows:

1. Creditor holds a security interest secured by a mortgage lien on Debtor's property commonly known as 101 Kurtz Lane, Coatesville, PA 19320 ("Property").
2. Creditor intends to file a Proof of Claim in the approximate amount of \$92,000.00, including a pre-petition arrears amount of approximately \$14,000.00.
3. Debtor's Plan fails to provide for payment in full of Creditor's claim in that it proposes to pay secured claims under section 4(b)(1) of the Plan in full through a sale of the Property, with such sale to be completed by September 15, 2022, however, Creditor's claim is listed under section 4(a) of the Plan.
4. Debtor's Plan alternatively proposes to sell the Property through an auction of the Property, to be completed by November 30, 2022, however, fails to clearly specify that any auction of the Property will also pay the subject mortgage in full.
5. Creditor requests that the Plan set a deadline to complete the sale of the Property of six months from plan confirmation.

6. Creditor further requests that the Plan be amended to require Debtor to obtain a payoff quote from Creditor in advance of an auction of the Property, which quote is good-through the date of any such auction of the Property.
7. Debtor's Plan further fails to provide for the arrearage due on Creditor's claim in the event a sale or auction of the Property is not completed.
8. Debtor's Plan therefore represents an impermissible modification of Creditor's claim and a violation of 11 U.S.C. §§1322 and 1325.

WHEREFORE, Creditor respectfully requests that the Court deny the confirmation of the Debtor's currently proposed Plan.

Respectfully submitted,

/s/Alyk L. Oflazian

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Objection of JPMorgan Chase Bank, National Association to the Confirmation of the Original Plan was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Kenneth E. West, Chapter 13 Trustee, Office of the Chapter 13 Standing Trustee, 1234 Market Street - Suite 1813, Philadelphia, PA 19107, ecfemails@ph13trustee.com

Joseph L Quinn, Attorney for David M. Bizal, Ross, Quinn & Ploppert, P.C., 192 S. Hanover Street, Suite 101, Pottstown, PA 19464, CourtNotices@rqplaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on January 14, 2022:

David M. Bizal, 101 Kurtz Lane, Coatesville, PA 19320

Kathleen Bizal, 101 Kurtz Ln, Coatesville, PA 19320

DATE: 1/14/2022

/s/Alyk L. Oflazian  
Alyk L. Oflazian, Esquire (312912)  
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